IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2881 OF 2006

IN

SUIT NO. 4205 OF 1995

Indian Bank ....Plaintiffs.

vs.

Sunrise Enterprises and Ors. ....Defendants.

Mr. Rafeeq Peermoideen i/by.M. Dhruva & Co.
for the plaintiffs.

Mr. Thakkar i/by. Pragna Thakkar & Co.
for defendant nos.1 to 3, 4B to 5.

CORAM: S.J. VAZIFDAR, J.

NOVEMBER 13, 2006.

P.C. :

1. The Notice of Motion is to set aside the ex-parte decree dated 8/9/2005. There is no ground for setting aside the ex-parte decree. The

grievance however is that the plaintiff has demanded an amount far in excess of what has been claimed in the suit. It is clarified that the defendants shall be entitled to credit for all the amounts that they have paid pursuant to the order of this court and the amounts paid even otherwise. It is further clarified that, from the date of said payment no interest would be payable by the defendants to the plaintiffs. The defendants shall be entitled to so contend in the execution proceedings or such other proceedings that the plaintiffs may adopt for the recovery of the decretal amount.

sd/-

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